

TO: DE District pro se law cler

7700-19,07
FILED
NOV 26 2007
U.S. DISTRICT COURT
DISTRICT OF DELAWARE
CA 06-646 GMS
+
Petition
Petition for TRO
PD scanned

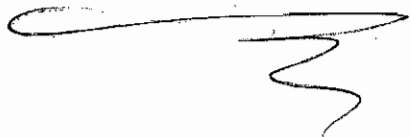
Dear Sir or Madam

I am in receipt of Mr. D'Alles's August 24, 2007, letter advising me my Motion for Preliminary Injunction and Temporary Restraining Order in CA 06-646 GMS is pending. It is now approx. 90 days later and may I suggest that a status request of the above TRO is in order? Furthermore, the Court may or may not be aware that as of ~~August 28, 2007~~, I was of May 31, 2007, pursuant to an in house Memo from my building's Counselor Tom AIELLO, "... you (I) are clear of the staff assault as of 5/31/07." I am enclosing that memo for the court's consideration, as well as a copy of my June 6, 2007 response ^{to} Mr. AIELLO's memo, also, for the Court's consideration. - I have decided to submit the enclosed documents, papers, etc., that are contemporaneous to the above CA # for the Court's consideration. As 06-646 GMS and Petition for TRO / Preliminary Injunction are, at this date still

(Cont) →

Page 2 of my letter to Clerk and/or Nov. 19, 2007
pro se law clerk in re 06-646GMS + accompanying
pending Petition for TRO/Prelim Injunction...

— pending, therefore Certificate of Service, nor, CC is
in order or required. — As to my enclosed paper —
work I have placed them in order of their dates...
and the ones that explain themselves I have not added
any explanations or clarifications to them... the few
I feel needed some kind of explanation, I have clarified, and
should any of my submissions to the Court ^{be} ~~are~~ not —
self explanatory or ambiguous, please advise.

Respectfully submitted,
Charles F. Carone
SBI #098159
DCC Prison


OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dalleo
CLERK OF COURT

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

August 24, 2007

TO: Charles Francis Cardone
SBI# 098159
Delaware Correctional Center
1182 Paddock Road
Smyrna, DE 19977

RE: Letters Received Dated 8/5/07 & 8/21/07
CA 05-536 JJF - *Hammon*
CA 06-151 JJF - *CMS*
CA 06-152 JJF - *BANK*
CA 06-646 GMS - *classification + TRO...*

Dear Mr. Cardone:

The above referenced letters were received by this office regarding your request to Magistrate Judge Thyng for a 90-day extension regarding reopening your Civil Actions (CA 05-536, CA 06-151, CA 06-152). Your request is pending before Magistrate Judge Mary Pat Thyng.

Regarding your Motion for Preliminary Injunction and Temporary Restraining Order in CA 06-646 GMS. Your Motion is pending before District Judge Gregory M. Sleet.

You will be advised by the Court as to any further developments in your above cases.

I trust that this letter answers your questions concerning this matter. Nothing contained in this letter is intended to express an opinion as to the merits of any claims which you may be alleging.

Sincerely,

PETER T. DALLEO
CLERK

/rwc

cc: The Honorable Gregory M. Sleet
The Honorable Mary Pat Thyng

*I signed for this on Sunday
August 26, 07... Female C/O DIXON
at 5:55 p.m. c/c
8-26-07*

FORM #584

GRIEVANCE FORM

FACILITY: DCCDATE: AUG. 26-05GRIEVANT'S NAME: Charles CardoneSBI#: 098159CASE#: 21813TIME OF INCIDENT: On GoingHOUSING UNIT: Bldg. (19) BBLIN RE: 06-646 GMS and
Petition for TRO c/o 11-19-07

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

I am court ordered to 14 years Level 5 suspended upon completion of Greentree to be followed by various Accountability Levels — LT Porter notified me in person that I would be in my present status (SHU) for 1 year.... I have been given write-ups that I have told LT. Williams LT Savage, and LT Porter that I want to appeal these write ups.... I still am waiting for forms to appeal the Discipline Action and the Classification Action....

ACTION REQUESTED BY GRIEVANT: Supply me with copies of my write ups and appeal forms — place me in a less restrictive classification until my appeals have been resolved so I, and DOC, may comply with Judge T. Henley Granks sentencing orders.

GRIEVANT'S SIGNATURE: Charles F. Cardone DATE: AUG. 26-05

WAS AN INFORMAL RESOLUTION ACCEPTED? _____ (YES) _____ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANT'S SIGNATURE: _____ DATE: _____

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE.

cc: INSTITUTION FILE
GRIEVANT

RECEIVED

AUG 30 2005

April '97 REV

Inmate Grievance Office



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
DELAWARE CORRECTIONAL CENTER
SECURITY HOUSING UNIT
COUNSELOR'S OFFICE

⑥
3-8-06

TO: Inmate Charles Cardone 098159

September 23, 2005

SHU 19BL8

I have received your letters dated 8/31 and 09/22/05. I have reviewed your file. You are "sitting here in the SHU", as you described it because of your recent history of inappropriate behavior as, reflected in numerous disciplinary reports (that have been reviewed by a disciplinary hearing officer) since April 2005.

To move forward from the SHU and eventually from Maximum Security, **you must demonstrate a long-term commitment and practice of positive behavior and therefore not earn negative disciplinary write-ups!** As a matter of safety and security, you will not be eligible to participate in Greentree programs while in Maximum Security Housing; therefore, it would appear again to be in your best interest to not earn negative disciplinary write-ups so that you may be considered for Greentree at a future time.

J Simms
SHU Senior Correctional Counselor

cc: File

RE: 06-646 GMS and
Petition for TRO... Che 11-19-07

To the Court: I was placed in the SHU on August 11, 2005 to begin my 2 year mandatory "sentence for the staff assault" that this above counselor was still outside of the ring of collusion by and of the agents of Delaware Department of Corrections at Sussex Correctional Institution and Delaware Correctional Center where I am housed, and have been housed since my "diesel therapy" transfer of May 23 2005. Che 11-19-07 →

Courtdor Simms obviously was not informed
or included in the collusion ^{at} of the date of
his response to my letters. September 23, 2000:

C/S
11-19-07

* This is a copy of my letter I sent to Anthony J. Rendina, a Dept. of Corrections DE Classification Administrator at 245 McKee Rd, Dover, on 4-13-06...

* — RE: 06-646 GMS and *

Dear Mr. Rendina:

Petition for TRO Ch 11-19-06

On March 21, 2006, I was taken from Bldg 21 to Unit 18 I-isolation, for 15 days until 4-4-2006. I am now in 18C11U-transfer status. I did the 15 days for a write-up (one of several, to date that I was not given appeal hearings as I requested of LTs. — Savage and Williams) that occurred in June of 2005 while I was still in detainee status. Furthermore, while I spent approx. 6 months in SHU 19 I served several sanctions Loss of all privileges. This is my first opportunity (using a borrowed pen) to controvert a statement to me in your March 6, 2006, letter to me in response to my inquiry re interstate transfer... my sentencing orders from Judge Graves are as follows: "13 years Level 5. Upon successful completion of Greentree Program, balance suspended for Level 3 probation." Your statement "In reviewing your sentence, I (you) note that you (I) are Court ordered to complete several programs specific to the Delaware Dept. of Corrections," is completely in error. Perhaps now, via this letter, is the right time for me to request DE DOC to produce my records to allow me the opportunity to controvert and correct any other factual errors contained in these records. I look forward to your response.*

Sincerely,

* No response from Rendina
as of this date, Aug. 12, 2007
cfc
8-12-07

Charles F. Cardone
SBI #098159-DCC prison
Unit 17-C-U-4

Westlaw.

MHU
Law Library

Date of Printing: SEP 18, 2006

No

KEYCITE

▶ Chance v. Armstrong, 143 F.3d 698 (2nd Cir.(Conn.), May 07, 1998) (NO. 97-2028)

Citing References: limited to Delaware, New Jersey, Pennsylvania, selected document types

Positive Cases (U.S.A.)

★★ Cited

H

1 Bagwell v. Brewington-Carr, 2000 WL 1728148, *6+ (D.Del. Apr 27, 2000) (NO. CIV.A. 97-321-GMS) **HN: 12 (F.3d)**

2 Pilkey v. Monmouth County Correctional Institution, 2006 WL 1798947, *4 (D.N.J. Jun 28, 2006) (NO. CIV.A.05-5073(SRC)) **HN: 12 (F.3d)**

C

3 Owens v. Chester County, 2000 WL 116069, *5, 17 NDLR P 162, 162 (E.D.Pa. Jan 31, 2000) (NO. CIV. A. 97-1344) "" **HN: 16 (F.3d)**

DELAWARE CORRECTIONAL CENTER --- MEMORANDUM

TO: Inmate Charles Cordone SBI# 098159, Housing Unit SHU
 VIA: Counselor Aello
 FROM: I.B.C.C.
 DATE: 9/5/06
 RE: Classification Results

Your M.D.T. has recommended you for the following: CONT MAX/SHU

The I.B.C.C.'s decision is to:

☒ Approve
☐ Not Approve
☐ Defer
☐ Recommend
☐ Not Recommend

RE: 06-646 GMS and
 Petition for TRO dkt 11-19-07

BECAUSE:

<input type="checkbox"/> Lack of program participation	<input type="checkbox"/> Time remaining on sentence
<input checked="" type="checkbox"/> Pending disciplinary action	<input type="checkbox"/> Prior failure under supervision
<input type="checkbox"/> Gradual phasing indicated	<input checked="" type="checkbox"/> Poor institutional adjustment
<input type="checkbox"/> Open charges	<input type="checkbox"/> Serious nature of offense
<input type="checkbox"/> Prior criminal history	
<input type="checkbox"/> Failure to follow your treatment plan in that you	

☐ You present a current and continuous danger to the safety of staff, other inmates, or the good order of the Institution. Explanation:

OTHER: Rev 8/07

ADDITIONAL COMMENTS:

☐ Develop/continue treatment plan with counselor

You will be expected to address the following:

Copy to: Classification
 Inmate
 Institution File

Form #456
 Revised 11/97

TO: Deputy Warden Dave Pierce

JAN 09 2007

18 BL12

RE: 06-646 GMS Petition for TRO

DEPUTY WARDEN I

Sir: The other inmates tell me you are in charge of these buildings back here, i.e. the MHC, SHC, and PC... here's my story - Several months ago

Charles E. Cardone

SBI #098159

Delaware Correctional Center

1182 Paddock Road

Smyrna, DE 19977

Secord and Counselor Schrader come see me about my points...

LT. Secord starts showing me

classification papers with points and how DOC has arrived at those point totals... I told Secord the reasons the DOC had arrived at those points were wrong, that I had my sentencing hearing transcripts to controvert and refute the information DOC was using to arrive at my points totals. I then requested that he (Secord) send allow me to access to DOC records so I may correct misinformation contained in my files. The both of them agreed to send me, or allow me to see my files for correction purposes. Since that meeting, I have written to LT. Secord, Ms Forbes (Schrader), Anthony Rendina, Cindy Wright, Warden Carroll, Stan Taylor... No one will allow me access to my records. This is the reason for this letter... on Friday, Jan 5, 07, Secord and Aiello were on the wing... I had just gotten Aiello's lame, written excuse why I could not see my records... Secord comes over and we start having words and Secord says to me through the door, "If this was the old days, I'd come in there and beat your ass," then he and Aiello walked away giggling like the rather than

Case 1:06-cv-00846-GMS Document 25 Filed 11/26/2007 Page 11 of 26
talking about me having access to my records. I guess
you could call this letter to you a complaint... I wanted you
to know what, and how, LT. Secord and Aiello are handling
my situation. The 2 of them are 2 more defendants I will name
in my pending civil lawsuit in Wilmington (Delaware) federal
court for refusing me access to my records.

In another situation... I came to B wing on November 12, 06...
Sgt. Walker brought me a TV 2 weeks later, Nov. 25... he slides this
paper to me and tells me to sign it... it says the TV is in good working
order... I tell Walker to come in, hook up the TV... if it is working, I
will sign the paper... Walker then says if I don't sign the paper,
I don't get the TV... I tell him no, he takes the TV and leaves. —
Come ahead to Friday, Jan 5, 07... I'm getting re-shackled by Walker
so I can have my visit... I ask Walker when will he bring me my
TV... he says never, that I told him to shove the TV up his ass. I
called him a liar... I still have no TV... it is DOC, DCC policy
for us to have TVs in our cells to ease the 47 hours, 1 hr
rec/shower we must endure for our DCC infractions... Walker
should not be permitted to override DOC DCC policy no matter
what his reasoning is. I am requesting you, Deputy Warden
Pierce to provide me with a TV in good working condition.

D - Catalogue

* Sent Jan. 7, 07

Respectfully Submitted,
Charles F. Cardone
SBI # 098159
Bldg (18) BL12

D-3 copies

SUPERIOR COURT
OF THE
STATE OF DELAWARE

H. Catalano
3 copies

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
1 THE CIRCLE, SUITE 2
GEORGETOWN, DELAWARE 19947
TELEPHONE (302) 856-5257

January 24, 2007

Charles Cardone
SBI# 00098159
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

*RE: 06-646 GMS and
Petition for TPO cfc
11-19-07*

Re: Def. ID# 0409005091A

Dear Mr. Cardone:

The Court is in receipt of your letter filed January 22, 2007. As I stated in my letter dated January 2, 2007, "I fear your choices and bad behavior will result in a much longer sentence than is necessary, but it is your choice." The Court does not micro-manage the Department of Correction. Therefore, the Court does not have jurisdiction over your classification. Your request for an evidentiary hearing is denied.

IT IS SO ORDERED.

Very truly yours,


T. Henley Graves

THG:tl

cc: Prothonotary's Office
Department of Justice

TO: Counselor AIELLO

RE: 06-646 GMS and

Petition for TRD ^{Q4}
11-19-07

— Pursuant to DE ST TI 11 § 6535, "Prisoners of the Department shall have access to those portions of the disciplinary rules that apply to them, at times deemed reasonable and appropriate by the Commissioner. There shall be a record of charges of infractions by inmates, and punishments imposed"... I am now requesting you or the current Counselor assigned to Unit 18 BL 12, where I am currently being housed, to provide me with the disciplinary rules that have been applied to me since my transfer to Delaware Correctional Center from Sussex Correctional Institution in May 23, 2005 and I am requesting a record of Charges of infractions imposed on me along with the punishments/sanctions that were/are being imposed on me as the result of those charges/infractions.

Charles F. Cardone
SBI # 098159

cc: - Judge T. Henley Graves
- Michael R. Abram, Esquire
- S/LT. Taylor
- Deputy Warden Pierce
- Deputy Warden Burries
- Warden Carroll
- Commissioner Danberg

OVID →

Ms Graff,

May 16, 07

I am sending you ^{ACLU} ~~about~~ this request to keep you informed of my attempts (abbeit feeble because of my ignorance of matters of law) at making DOC grant me access to my records. This request, which I am sending to this building's Counselor AIELLO ~~out~~ to Danberg, should generate a response. The request is on the flip side of this note to you... for clarification. I may have informed you in previous letters, that approp. 1 year ago I was called to a meeting with LT. Secord and another counselor named Shraeder (female) for them to show me how DOC arrived at my "points" total which in turn dictates where DCC classifies my status. My present status is Maximum Security (SHU). When I pointed out to Secord and Shraeder the inaccuracies used to give me "points", the meeting was concluded with LT. Secord's assurance he would provide me w/ copies of my records so I could controvert ^{and} therefore provide a basis for DOC to re calculate my points total... well, DOC has yet to allow me ~~as~~ access to my records thus, I am still in this wrongful classification which has allowed DOC to abrogate my sentencing judge's order to attend a rehab followed by release...

TO: Counselor Aiello

June 6, 2007

From: Cardone, Charles 18BL12 A - 4 copies

RE: 06-646 GMS and Petition for TRO ¹¹⁻¹⁹⁻⁰⁷ cfc

your statement "your classification will remain max security because of a staff assault on 5/31/05. there is a 2 year mandatory max placement which means it will come off in May of 2007," in your 2/21/06 note to me ... has my max placement come off, as you state? To attend my court ordered

Greentree Program, I must sign off Protective Custody status, is that correct? At the date of this writing, I am informing you and Paul W Howard, Chief, Bureau of Prisons, Delaware, I am seeking administrative review of DCC's

staff assault charge which, as you state above, is subjecting me to "a 2 year mandatory max placement. Pursuant to: State of Delaware Bureau of Prisons Procedure Manual Chapter 4 DOC Policy 4-2,

1. Procedure - I am requesting an administrative review because I have not been given any entitlements as outlined in V. Procedure. Lastly, notify me of my date of eligibility to attend Greentree Program.

Charles F. Cardone

Sent, in house mail on 6-13-07

SBI #098159

To: Counselor Aiello

From: Cardone, Charles 18 BL/2

*Cat
Pg 8 of 8

June 6, 2007

B. Hapier

Rick Kearney

Paul W Howard, Chief, Bureau of Prisons, Delaware:

The following is my "in house" note to the above coun-

lor: Your statement "your classification will remain of security because of a staff assault on 5/31/05. there is 2 year mandatory map placement which means it will come off in May of 2007," in your 12/21/06 note to me...has my map placement come off, as you state? To attend my court-ordered Greentree Program, I must sign off Protective Custody status, is that correct? At the date of this writing, I am informing you and Paul Howard, Chief, Bureau of Prisons, Delaware, I am seeking administrative review of DOC's staff assault charge which, as I state above is subjecting me to "a 2 year mandatory map placement." Pursuant to: State of Delaware Bureau of Prisons Procedure Manual Chapter 4 DOC Policy 4.2, V. Procedure... I am requesting an administrative review because I have not been given (shown) any entitlements as outlined in V. Procedure. Lastly, notify me of my date of eligibility to attend Greentree Program.

Charles F. Cardone

SBI # 098159

RE: 06-646 Gms and Petition for TRO

CFC 11-19-07

6/22/2007

To: Cardone, Charles **18BL12**
SBI# 098159

From: Counselor Aiello

RE: 06-646 GMS and Petition for TRO *cfc*
11-19-07

* Cat-3
~~Page 1 of 5~~
Pg 5 of 8

As of now you are clear of the staff assault as of 5/31/07. I have spoken with my supervisor and she said to put you in for the Greentree program at SCI which is a 6 month program rather than an 18 month program. You will have to sign off protective custody in order to take part in the program. If you are willing to sign off PC I will classify you next month to the program.

cc Rick Kearney, BOP
Commissioner Danberg
DE District Ct.

Charles F. Cardone
July 23, 2007
Received

702 Mr. Kearney, DE, June 24, 2007

Dear Mr. Kearney:

Cat
Pg 4 of 83
Z* Cat
Pg 4 of 5

Various agents of Delaware Department of Corrections, at Delaware Correctional Center, where I have been housed since May 23, 2005, have notified me that their reason for classifying me to my present Maximum Security Status is for a "staff assault" which allegedly occurred in May of 2005, and I am to remain at this status until August of 2007.

Therefore, I am requesting you to administratively review my classification and I am notifying you of my attempts to prevail on three claims which are highly significant: 1. Society expects me to be treated humanely and 2. I am to be provided with a fair disciplinary process when charges are brought against me arising out of alleged misconduct while incarcerated, and 3. to be free from false accusations by prison staff.

Expectantly, Commissioner Danberg has forwarded my request to him, to you, pursuant to his June 19, 2007, letter to me.

RE: 06-646 GMS and
Petition for TRO cfe

BUREAU OF PRISONS

Sincerely,

11-19-07

JUL 12 2007

Charles F. Cardone - SBI # 098159

RECEIVED

Commissioner Danberg, DE District Ct.
Tom Carroll, WardenCharles F. Cardone
July 23, 2007
Received

* I have enclosed a memo from Counselor AIELLO and my response to that memo for your consideration ... cfe

4 copies
cfe
6-24-07

7-1-07

TO: Counselor Aiello

RE: 06-646 GMS and
Petition for TRO ^{clerk} 11-19-07

I wasn't made with a finger... my father
used the real thing - You classify me to the SCI
Greentree program your supervisor told you to
put me in, bring me the classification papers*
to sign, give me a copy and then I will sign
off PC.

* Form #456

Charles F. Cardone

SBI # 098159

18 BL12 - DCC prison

July 23, 2007
Received

CC Rick Kearney, BOP
Commissioner Danberg
U.S., DE District Ct.



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
245 McKEE ROAD
DOVER, DE 19904

Carl C. Danberg
Commissioner

(302) 739-5601
Fax: (302) 739-8221

July 5, 2007

Charles Cardone
SBI# 098159
DCC Unit 18-B-12
1181 Paddock Road
Smyrna, DE 19977

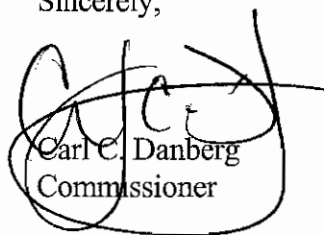
*RE: 06-646 GMS and
Petition for TRO cfc
11-19-07*

Dear Mr. Cardone,

I am in receipt of your June 11th letter regarding correspondence dated May 11th. I have not received any correspondence from you dated May 11th. I have received a letter dated May 8th.

I acknowledged the May 8th letter on June 19th and assigned the Chief of Prisons to review your letter. If you have sent me another request, you will need to sent it again as I do not have it.

Sincerely,


Carl C. Danberg
Commissioner

Cc: T# 237

CCD:imd



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
BUREAU OF PRISONS
245 MCKEE ROAD
DOVER, DELAWARE 19904
Telephone: (302) 739-5601
Fax: (302) 739-8221

X Cat-
1
~~Page 2 of 5~~
Pg 3 of 8

MEMORANDUM

TO: Inmate Charles Cardone
DCC, SBI #098159

FROM: Richard A. Kearney
Bureau Chief of Prisons

R.K.

DATE: July 12, 2007

RE: **Correspondence of June 24, 2007**

RE: 06-646 Gms and
Petition for TRO

Che 11-19-07

In response to your letter dated June 24, 2007, you have received due process in both disciplinary and classification proceedings. You appear to be appropriately housed.

RAK/csd

Cc: Warden Tom Carroll, DCC
File

Charles F. Cardone
July 23, 2007

Received

10. Commissioner Danberg, DOC DE [July 20, 2007]

RE: Richard A. Kearney
Bureau Chief of Prisons

X1 Sent this
to Danberg on
Aug 7, 2007 by
Pg 2 of 8
Cat
Pay to

Dear Mr. Danberg,

For your consideration I am enclosing Chief Kearney's July 12, 2007 Memo to me, and, I am also enclosing for your consideration my (a copy) June 6, 07, letter to Mr. Kearney. Mr. Kearney's July 12, 2007 memo to me is his response to my June 6, 07, request to him.

I wish to appeal his response. I am advising you that as of August 11, 2005, I have been wrongfully squirreled away in SHU/MHU for a "staff assault" that never took place and I have not been ~~be~~ shown any of my stated entitlements, as outlined in State of Delaware Bureau of Prisons Procedure Manual Procedure Number: 4.2, Re-lated ACA Standards, Rules of Conduct in re the above "staff assault". At this time, via this letter, I am request-
ing your intervention, and correction, of Chief Kearney's un-
informed and erroneous July 12, 2007 memo to me and / or
at the very least, provide me with copies of any/all paper-
work associated with the above "staff assault" ~~to~~ that has been
used by your DOC to place me in the SHU until August/07.

RE: 06-646 GMS and
Petition for TRO cfc
11-19-07

thank you,
Charles F. Cardone
SBI # 098159

[Handwritten signature] # 10

MEMO

TO: I/M Charles Cardone #098159

FROM: Brian Engrem, SHU Law Library Paralegal

DATE: July 31, 2007

RE: Photocopy Request

Your photocopy request addressed to Commissioner Danberg is denied. Your document is addressed to the Commissioner of the Department of Correction. This is not considered legal photocopies. You have the option of sending your request to the Business Office with a pay-to (\$.25 cents/page). You must have sufficient funds in your account for this transaction.

** This denial of my request of Brian Engrem to provide copywork at no expense to me, a plaintiff, is typical of the numerous obstacles pro-se prisoners endure everyday since the enactment of PLRA and the willingness of the many judges, state + federal, to not make waves... Justice O'Connor will be sorely missed*

*RE: 06-646 GMS and
Petition for TRO cfc*

Cc: File

11-19-07

To: Honorable Mary Pat Thyng

Aug. 5, 2007

RE: Civil actions: 05-536 ~~***~~ JTF
 06-151 ~~***~~ JTF
 06-152 ~~***~~ JTF

cfe

11-19-07

Dear Judge Thyng:

RE: 06-646 GMS and Petition for TRO

On March 6, 2007, you granted my request "to dismiss each of the above actions" with "leave to re-file on or before September 7, 2007"... allow me to thank you for granting my request as well as opposing counsel to not argue against my request. — Judge Thyng, the Court is in receipt of my letter to you (stamped "Filed Mar-5 2007") in which I state "my refiling by that date will be contingent on my return to 'general population' so I may have physical access to this prison's law library".... well, judge, I am, at this writing, still being held at SHU status with no meaningful access to the courts by reason of administrative segregation, inter alia, and, inadequate access to legal research materials and assistance. I have quoted the latter from ALLAH V. SEIVERLING, 229 F.3d 220 (3rd Cir., 2000) a similar situation as of mine, therefore, I must request you and opposing counsel ~~counsel~~ for a 90 day continuance to refile the above civil actions in my expectation of being returned to the general population of DCC prison.

CC: Amy A. Quinlan
 Stacey Karhoulakos
 Daniel A. Griffith
 Dana Spring Monzo

Daniel L. McKenty

Respectfully submitted,
 Charles F. Cardone
 Charles F. Cardone
 SBI #098159

* Sent out on pay to
 on all

— Attys. for defendants —

Westlaw.

DE ST TI 11 § 6535
11 Del.C. § 6535MHU
Law Library

Page 1

C

WEST'S DELAWARE CODE ANNOTATED
 TITLE 11. CRIMES AND CRIMINAL PROCEDURE
 PART IV. PRISONS AND PRISONERS
 CHAPTER 65. DEPARTMENT OF CORRECTION
 SUBCHAPTER VII. DISCIPLINE, MEDICAL CARE AND DISCHARGE
 → § 6535. Discipline

The Department shall promulgate rules and regulations for the maintenance of good order and discipline in the facilities and institutions of the Department, including procedures for dealing with violations. Prisoners of the Department shall have access to those portions of the disciplinary rules that apply to them, at places and times deemed reasonable and appropriate by the Commissioner. There shall be a record of charges of infractions by inmates, any punishments imposed and of medical inspections made.

Current through 75 Laws 2006, ch. 441.

Revisions to Acts from the Second Regular Session 143rd General Assembly made by the Delaware Code Revisors were unavailable at time of publication.

Copr. 2006 Thomson/West.

END OF DOCUMENT

— This Delaware Dept of Corrections
 past + present, continue to violate their
 own rules + regulations unless a prisoner
 plaintiff is fortunate enough to be "let in"
 and have access to our Courts as defined
 in our Bill of Rights and our Constitution

MHU
Law Library

RE: 06-646

Amendments.

RE: 06-646 GMS and
 Petition for TRO

cfc

11-19-07

IM Charles F. Cardone

SBI# 098159 UNIT 18-CU12

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

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